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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/195,017 02/14/94 PHILIPPE

M 55751AUS

EXAMINER

YIP, W

ART UNIT

PAPER NUMBER

2

3504

DATE MAILED:

10/07/94

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35M1/1007

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-20 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-6, 10-20 are rejected.
5. ☒ Claims 7-9 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other _____

EXAMINER'S ACTION

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Part III DETAILED ACTION

This is a first office action for Application Serial No. 08/195,017.

Drawings

1. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features such as the interconnecting means includes "at least one tapering wall" (claim 14) and has "a conical configuration" (claim 16) must be shown or the feature cancelled from the claim. No new matter should be entered.

2. The drawings are objected to because they fail to show the "web means permit adjustability of a distance between insulating construction members" (claim 17). A moved position, such as how the distance between two members to be adjusted, should be shown by a broken line superimposed upon a suitable figure if this can be done without crowding, otherwise a separate figure must be used for this purpose. Any structural detail that is of sufficient importance to be described should be shown in the drawing. MPEP § 608.02(d). Correction is required.

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Specification

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. The specification fails to provide a detail to describe of how the web member permitting an adjustable distance between two side members as claimed now (claim 17).

4. The disclosure is objected to because of the following informalities: In page 11, line 18, according to drawing Fig. 7, the "grooves 30" appear to read --projections 30--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 17 is rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

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6. Claims 1, 4, and 17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4, the phrase "a bi-directional or reversible manner" merely an alternative language which causes the claims to be vague and indefinite. What is meant by a "bi-directional".

In the claim 17, line 2, "said web mean" lacks an antecedent basis.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 6, 10-13, 15, 18, and 20 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Beliveau '446.

9. Claims 1-5, 10-14, and 16-20 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Horobin '969. Horobin shows and discloses an insulating construction block comprising a pair of parallel insulation side members (12,14) having top an

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bottom edges and both having interconnecting means, said interconnecting means at the top and bottom edges comprising a row of alternating projections (38, 45) and recesses (40, 46) with substantially the same dimension, a web (26) providing an joining means for interconnecting the side members in a desirable distance, said the projections and recesses having tapering wall (41, 43, 47), a removable end pieces (16) including end walls removably connected between to two side members with projection-groove joining means. Since the top and bottom edges of the construction member having substantially same configuration, it is in inherently to be reversibly interconnected over another like member.

Allowable Subject Matter

10. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not shows and discloses the interconnecting means of an insulation construction material including two rows of alternating projections and recesses, wherein said recess of one row is adjacent to said projection of the other row.

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Citations

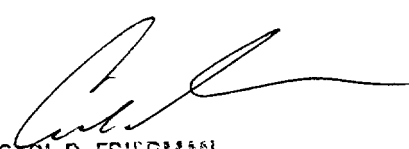
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young '429, Horobin '382, and Young '888 show various insulating construction members having a pair of insulating members and a web connected therebetween. Shen '015 shows a construction block having top and bottom edges having projections and recesses in a substantially same manner. Kapitan '469 shows an insulation member having two rows of projections and a sealing member therebetween. O'Neill '261 shows insulating block having one row of alternating projections and recesses with tapering wall.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Yip whose telephone number is (703) 308-2491.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Wsy
Yip/wsy
October 3, 1994


CARL D. FRIEDMAN
SUPERVISORY PATENT EXAMINER
GROUP 3500